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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,477	04/23/2001	Richard N. Cameron	426882000300	5743
29638	7590	12/14/2005		
BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE 10 S. WACKER DRIVE, 30TH FLOOR CHICAGO, IL 60606			EXAMINER JASMIN, LYNDIA C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/840,477	<b>Applicant(s)</b> CAMERON ET AL.	
	<b>Examiner</b> Lynda Jasmin	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-21,23 and 25-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-21,23 and 25-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Amendment received September 26, 2005 has been acknowledged.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1, 2, 4-21, 23, 25, 26, 28-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore (2003/0149662 A1) in view of McGarry et al. (6,038,491).

Shore discloses a computer implemented method and system for reverse-control of a wireless mobile device (700) embodied in a computer readable medium to perform the steps of:

providing a vendor/product device with a computer platform (via point of purchase/sale terminal 710) coupled to a wireless transmission channel port (box [0085]); and transmitting from the vendor device (710) via the wireless transmission channel port (via short range data transmission) to a compatible wireless transmission channel port on a wireless mobile device (box [0109]).

Shore further discloses the step of causing the wireless mobile device (3104) to interact wirelessly with the vendor device (3407) and a related micropayments accounting system (via micropayment system box [0470]). The interaction with the related micropayments accounting system will cause the vendor device to provide a product or service to the holder of the wireless mobile device (via approval of transaction using micropayment account 3203).

Shore further discloses the interaction with a related micropayments accounting system will cause a charge to be made to the account of the holder of the wireless mobile device (box [0455]), and/or a charge to be made to the account of the holder of the wireless mobile device produces a debit to a prepaid digital account or aggregates the debit with other current debits to be billed to the account holder at month end (box [482] via settlement procedures as per contractual agreements).

Shore however fails to explicitly disclose a program to take control of the wireless mobile device's menuing, interaction and display functions, and taking control of the wireless mobile device when the wireless mobile device enters a range of the product device.

McGarry et al. discloses the concept of having a vending machine capable of communicating with a central station using a cellular carrier using a telemetry device that has a cellular transceiver. The method includes transmitting segments of software code from a remote station to the telemetry device in the vending machine using the cellular carrier, assembling the segments of software code in the telemetry device, and reconfiguring the vending machine so that at least some old software code is no longer accessed during subsequent vending machine operations.

From this teaching of McGarry, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless information transfers of Shore to include a program that takes control of a user's mobile device to transmit software code to a device in order to reconfigure a vending machine.

McGarry further discloses that the term "vending machine" includes, but is not limited to, machines for vending beverages, snacks, candies, toiletries, toys or other items as well as machines for providing services, such as an ATM machine or a kiosk.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shore (2003/0149662 A1) in view of McGarry et al. (6,038,491) as applied to claim 16 above, and further in view of Ling (2002/0111907).

The Shore and McGarry combination discloses the elements of the claimed invention but fails to explicitly disclose the micropayment system is Qpass micropayment machine.

Ling discloses the concept of having a payment method that can handle micropayment transaction efficiently using Qpass system. From this teaching of Ling, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shore and McGarry combination to include the Qpass system taught by Ling in order to aggregate micropayment purchases made by users so that users are only billed for their purchases on a monthly basis.

6. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore (2003/0149662 A1) in view of McGarry et al. (6,038,491) as applied to claim 1 above, and further in view of Turtiainen (6,430,407)

The Shore and McGarry combination discloses the elements of the claimed invention but fails to explicitly disclose using a card reader to make anonymous payment on a mobile phone.

Turtiainen discloses the concept of utilizing the secret a SIM card on a mobile phone in electronic transaction. From this teaching of Turtiainen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shore and McGarry combination to include the SIM system taught by Turtiainen in order to facilitate payment of remote transaction.

### ***Response to Arguments***

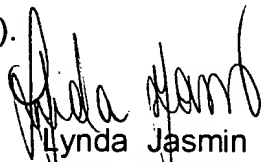
7. Applicant's arguments with respect to claims 1, 2, 4-21, 23 and 25-41 have been considered but are moot in view of the new ground(s) of rejection.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Business Wire (March 2000) is cited for discloses the concept of buying a can of coke from a vending machine all with you cell phone.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lynda Jasmin  
Primary Examiner  
Art Unit 3627